

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113  
THURSDAY, APRIL 13, 2000  
8:30 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Bernie Heier  
Larry Hudkins  
Linda Steinman  
Bob Workman

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY, APRIL 6, 2000**

**MOTION:** Steinman moved and Heier seconded to approve the Staff Meeting Minutes dated April 6, 2000. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- a. Region V Meeting Report
- b. Stevens Creek Citizens Advisory Committee
- c. Horses on Public Roads
- d. Microcomputer Request C#2000-123, \$10,291.56 from County Extension Budget for Two (2) Compaq 750mhz Desktops, Three (3) Compaq 650mhz Desktops, Five (5) Panasonic Monitors, Etc.

**MOTION:** Steinman moved and Hudkins seconded approval of the additions to the agenda. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

**3 LABOR NEGOTIATIONS** - Georgia Glass, Personnel Director; Diane Staab, Deputy County Attorney

**MOTION:** Steinman moved and Heier seconded to enter Executive Session at 8:45 a.m. for discussion of labor negotiations. Steinman, Workman, Hudkins, Heier and Campbell voted aye. Motion carried.

**MOTION:** Hudkins moved and Workman seconded to exit Executive Session at 9:04 a.m. Hudkins, Heier, Steinman, Workman and Campbell voted aye. Motion carried.

**4 AMBULANCE SERVICE IN LANCASTER COUNTY** - Jennifer Brinkman, Administrative Assistant to the Mayor; Doug Cyr, Deputy County Attorney; Doug Ahlberg, Emergency Management Director

Campbell noted that the Board had reviewed the Lancaster County Medical Society (LCMS) proposal and asked whether that body currently approves appointments to the EMS, Inc. Board of Directors.

Jennifer Brinkman, Administrative Assistant to the Mayor, said no, the Mayor makes the appointments, with the approval of the City Council. She said the Mayor is concerned with LCMS's proposal to change the current system of appointment, making all appointments subject to the approval of the LCMS Board, and to increase the size of the Board of Directors from seven to nine members, to be comprised of two LCMS member physicians, two individuals nominated by the Mayor and approved by the City Council, one individual appointed by the County Board of Commissioners, one representative from BryanLGH Medical Center, one representative from Saint Elizabeth Regional Medical Center and two individuals from the community.

Campbell noted that LCMS proposal includes review and approval of the oversight agency's bylaws and changes to bylaws by the LCMS Board. She asked whether this is the current practice.

Brinkman said it is her understanding that the Medical Directions Board within the Lancaster County Medical Society (LCMS) recommends standards and policies to EMS, Inc.

Hudkins said LCMS believes that they have had input into the EMS, Inc. structure and overview. He said Dr. Spry gave a presentation to the Board of Health at their meeting Tuesday and stressed the need for oversight that is independent of the political structure. The Board of Health voted to approve the independent oversight concept.

Brinkman said the City feels the current system does provide independent oversight. She said LCMS has indicated that EMS, Inc. is functioning well, but has lost the community's confidence and its ability to lead.

Brinkman said there is a rumor being circulated in the community that if the City Fire Department is awarded the ambulance service contract, it will have its own medical director. She said the Mayor has never stated this, nor does he oppose independent oversight. Brinkman said Mayor Wesely does not support the LCMS proposal but feels a compromise can be reached.

Campbell said the Mayor has indicated that data on ambulance service oversight from other cities across the country is being gathered and would like an opportunity to review that data before any decision is made on a system.

Workman distributed a summary of opinions stated by George Leonard, a Kansas City consultant, during a recent KLIN radio talk show broadcast on the topic of the City's Request for Information (RFI) for emergency services (Exhibit A). Issues addressed were one provider, review of acceptability beyond contract terms, contract compliance and bond issuance.

Brinkman said the City did not specify one provider for the City and County in the Request for Information (RFI) because the current City ordinance gives the City Council the authority to divide service within the City, although that has not been the practice. She said the City Attorney is currently reviewing this ordinance and may recommend change.

Campbell asked whether Rural/Metro Medical Services has contracts with each of the rural fire districts.

Doug Ahlberg, Emergency Management Director, said no, they have a contract with the Mutual Aid Association. Ahlberg also noted that the Southwest Rural Fire District is the only rural fire district that has implemented Advanced Life Support (ALS) ambulance service.

Hudkins asked about the policy governing transport when both Rural/Metro and rural fire district ambulances are dispatched.

Ahlberg said the first ambulance on the scene usually provides transport, although it may stop and transfer the patient to an ALS ambulance en route to the hospital. He noted that rural fire districts are also concerned with a recent change in protocol for hospital deferral.

Hudkins said he is concerned with the delays this causes in getting the patient to the hospital.

Heier remarked that this also results in the patient being billed for both ambulances.

In response to a question from Steinman, Ahlberg said the 911 dispatcher makes the determination that ALS transport is needed. He said the rural fire district may be able to respond in less time.

Hudkins said the rural fire district is also more familiar with addresses in their district.

Eagan remarked that Geographic Information System (GIS) mapping will improve the response system.

Campbell said she feels the County Board needs to articulate issues it feels are critical.

Brinkman said that list would be beneficial for the RFI Committee.

Board consensus to schedule discussion of dispatch protocol with Ahlberg and Julie Righter, 911/Emergency Communications Director, on the agenda for the April 20<sup>th</sup> County Board Staff Meeting.

The Board also received a packet of materials regarding ambulance service (Exhibit B):

- Lancaster County Fact Sheet
- Rural Fire District Map
- Lancaster County Medical Society (LCMS)
  - A. Proposal for Independent Medical Oversight for Pre-Hospital Emergency Medical Care
  - B. Proposed Resolution for County Board Supporting the LCMS Proposal
  - C. Proposed Resolution for City Council Supporting the LCMS Proposal
  - D. Resolution from the LCMS
  - E. Press Release from LCMS Dated March 22, 2000
- County Attorney Opinions
  - A. Opinion Dated April 20, 1999, "Responsibility of County Board to Provide Ambulance Service"
  - B. Opinion Request Dated March 29, 2000 Seeking General Information on Ambulance Service
- Final Report of the Mayor's Emergency Medical Services (EMS) Advisory Task Force, "A Review of Emergency Medical Services in Lincoln"
- City's Ambulance Transportation Code
- City's Request for Information for Ambulance Service

The Board requested a copy of the bylaws for EMS, Inc.

The Board also requested that copies of the County Attorney Opinion dated April 20, 1999 and the request for a County Attorney's Opinion, dated March 29, 2000 be forwarded to the Mayor's Office.

**5 REPLACEMENT OF COPY MACHINE FOR COUNTY ASSESSOR -**  
Norm Agena, County Assessor; Kathy Smith, Assistant Purchasing Agent

Norm Agena, County Assessor, said his office's copier, which is leased for a monthly cost of \$375, is wearing out and parts can no longer be replaced. He noted that hole punching and stapling features are crucial for his office in selection of a new copier and recommended the Hitachi DDS 62 photocopier.

Kathy Smith, Assistant Purchasing Agent, said the Konica equipment offered on the Cost-Per-Copy Program does not have a hole punch feature. This program will be in effect under the current provider for 2 years, 8 months (the remaining 8 months on the original contract and two additional one-year renewals).

Smith reviewed the following options:

**Option #1: Enter into a separate lease agreement for the Hitachi DDS 62 photocopier**

Requires a minimum of a 5 year lease with a guaranteed monthly billing of 10,000 copies at 5.88 cents per copy for a total of \$588 per month. Annual cost of \$7,056 for a total 5 year commitment of \$35,280.

**Option #2: Add the Hitachi DDS 62 photocopier to the Master Lease on the Cost-Per-Copy Program**

Rate of 7.7 cents per copy for a minimum of 10,000 copies per month for a minimum of \$770 per month, times 32 months remaining on the program, for a total commitment of \$24,640.

**Option #3: Place a digital Konica 7033 unit in the County Assessor's Office, connected to the computer network to function as a photocopier and printer**

The County Assessor would be participating in the existing Cost-Per-Copy Program as per renewal negotiations to add the digitally connected unit to contract agreement for the renewal period. Billing at a rate of .0383 per copy, no minimums or maximums specified. Does not have the hole punch feature. Total cost of the commitment using 10,000 copies per month for the remaining 32 months would be \$12,256.

Heier asked how much it would cost to purchase the Hitachi DDS 62 photocopier.

Smith said she did not have that information. She added that it has been the practice to try to migrate departments to the Cost-Per-Copy Program.

**MOTION:** Hudkins moved and Heier seconded to grant the County Assessor's request for a 5 year separate lease for the Hitachi DDS 62 photocopier.

Eagan questioned whether this would comply with the Purchasing Act.

Both the maker of the motion and the seconder agreed to include in the motion a stipulation that the lease be subject to the review and approval of the Purchasing Department and County Attorney's Office.

**ROLL CALL:** Hudkins, Heier, Workman, Steinman and Campbell voted aye. Motion carried.

**6 USE OF COUNTY CARS FOR FAMILIES FIRST & FOREMOST (F<sup>3</sup>)  
GRANT PROGRAM - Gus Hitz, Assessment Center Director**

Gus Hitz, Assessment Center Director, reviewed a proposal for Families First & Foremost (F<sup>3</sup>) Grant Program staff to use a car previously owned by the Sheriff's Department to attend meetings and events involving the F<sup>3</sup> project and to transport youth and families to stakeholder meetings (Exhibit C).

Eagan noted concern that allowing staff to use the car to attend meetings and events would set a precedent for other departments.

In response to a question from Hudkins, Hitz stated that the transfer of the vehicle to the F<sup>3</sup> Grant Program could be counted as County match for the grant.

Heier voiced concern that providing youth and families transportation to stakeholder meetings relieves parents of their responsibility.

**MOTION:** Heier moved and Steinman seconded to approve the use of one vehicle for the transport of youth and families, with the stipulation that a log of the car's use be kept and that the request be reevaluated in one year's time. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

**7 AIR POLLUTION ADVISORY COMMITTEE RECOMMENDATIONS ON ASBESTOS REGULATIONS; CHANGES TO AIR POLLUTION CONTROL PROGRAM REGULATIONS AND STANDARDS - Scott Holmes, Environmental Health Division Chief; Marcia Wilhite, Air Quality Supervisor**

Scott Holmes, Environmental Health Division Chief, explained that the Air Pollution Control Program is a policy of enforcement that employs powers granted to the City and County in 1993 by State Statutes to levy fines up to \$10,000 per day. He said the Emissions Civil Penalty Policy has been in place since 1996. Since this policy did not sufficiently address asbestos, the Environmental Protection Agency (EPA) model policy was modified to function locally with a 60 percent reduction of their levy of penalties. Holmes said the Asbestos Civil Penalty Policy was approved by the Air Pollution Control Advisory Board and the Board of Health and is currently in effect.

Campbell said there are questions as to whether the County Board needs to give approval to the change in penalties and whether penalties for small contractors should be based on assets.

Marcia Wilhite, Air Quality Supervisor, distributed copies of the *Lincoln/Lancaster County Health Department Civil Penalty Calculation Policy Fact Sheet* (Exhibit D). She said penalty amounts may be adjusted, based on the violator's current net assets. Wilhite added that a case in which an individual violates the policy in removing tile for a neighbor is not one in which a penalty would be sought.

Holmes said it has been the department's approach to work with violators on a supplemental environmental program, which can reduce penalties up to 80 percent. He also stated the Lincoln/Lancaster County Health Department receives no benefit from the collection of fines.

Eagan reviewed a County Attorney's opinion, dated April 7, 2000, regarding the authority of the Lincoln/Lancaster County Health Department and the Air Pollution Control Advisory Board (Exhibit E). He said the City and County delegated the responsibility of enforcement of air quality standards to the Lincoln/Lancaster County Health Department, however both bodies have the ability to pass their own resolutions or ordinances and have the right to request briefings on the Air Pollution Control Program. He added that the EPA, a federal agency, approved the Air Pollution Control Program but did not delegate authority to the Lincoln/Lancaster County Health Department directly.

Workman expressed his belief that there should have been a public hearing before the County Board on the matter.

In response to a question from Campbell, Holmes said no fines have been levied under the Asbestos Civil Penalty Policy, to date. He said ten fines have been levied under the Emissions Civil Penalty Policy, the largest of which was \$24,000.

Wilhite proposed changes to Article 1, Section 3 (Violations, Hearings and Orders) of the *Lincoln/Lancaster County Air Pollution Control Program Regulations and Standards* (Exhibit E).

## **ADDITIONS TO THE AGENDA**

### **a. Region V Meeting Report**

Steinman said providers have been asked to complete a survey which will be used for planning purposes. Steinman and Campbell will complete the survey for the County and will copy members of the County Board.

Steinman said the Region V Governing Board approved the lease of a building at 17<sup>th</sup> & "N" Streets, adding she has expressed concern that this lease is double the current lease cost.

Steinman reported it was agreed that the minimum per capita fees paid by each of the counties, except Lancaster County, for mental health and substance abuse will be increased. She said Jill Rubottom, Program Administrator for the Region V Mental Health Alcoholism & Drug Abuse Program, suggested that Lancaster County increase its mental health contribution by 4 percent and consider channeling some of the money used to fund the Community Mental Health Center through Region V. Dave Merrill, Region V Services, raised the same issue at the Region V Development Disabilities meeting.

Steinman also reported that the State has withdrawn \$100,000 in funding from the Professional Partners.

### **b. Stevens Creek Citizens Advisory Committee**

Heier requested the names of appointments to the Stevens Creek Citizens Advisory Committee and the Transportation Plan Citizens Committee.

### **c. Horses on Public Roads**

Workman said the Parks & Recreation Advisory Board took action several months ago to deny a request to allow a horse and cart to access Pioneers Park. He questioned whether a state statute that provides horses access to public roads would apply.

Campbell suggested that Workman contact Linda Wilson, former City Council member, regarding recommendations from the Pioneers Park Task Force and to inquire whether a legal opinion had been sought on the issue of providing horse access to the park.

- d. Microcomputer Request C#2000-123, \$10,291.56 from County Extension Budget for Two (2) Compaq 750mhz Desktops, Three (3) Compaq 650mhz Desktops, Five (5) Panasonic Monitors, Etc. (Exhibit G)

**MOTION:** Steinman moved and Hudkins seconded approval. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

## **8 ACTION ITEMS**

- a. Request from Lincoln Action Program to Use Basement and Backyard of Trabert Hall from July 5 through July 28, 2000 for Camp EX-CEL (Teaching English as a Second Language)

Eagan said Don Killeen, County Property Manager, has indicated that there is space available to accommodate the request.

**MOTION:** Hudkins moved and Steinman seconded to approve the request and to charge Lincoln Action Program the rate of \$3.50 per square foot for use of basement space in Trabert Hall. Hudkins, Steinman, Heier, Workman and Campbell voted aye. Motion carried.

- b. Request from Juvenile Court Judge Linda Porter to Increase Her Bailiff's Salary

**MOTION:** Steinman moved and Heier seconded to authorize the promotion of Judge Porter's bailiff to the position of Bailiff II, after six months of service. Steinman, Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

- c. Request from Terry Wagner, Lancaster County Sheriff, to Close Southwest 63<sup>rd</sup> Street Between West "O" and West "A" Streets for Training on Wednesday, April 26, 2000 from 7 a.m. to 7 p.m.

**MOTION:** Steinman moved and Hudkins seconded to approve the request with the stipulation that notice be provided to area residents and the traveling public through signage placed on Southwest 63<sup>rd</sup> Street, prior to the street's closing. Steinman, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

## 9 CONSENT ITEMS

- a. Microcomputer Request C#2000-114, \$1,121.97 from Public Defender's Budget for Laser Printer and Adobe Photoshop V5.5
- b. Vacation Request from Larry Van Hunnik, Lancaster Manor Administrator, for Friday, April 21, 2000
- c. Authorize Kerry Eagan, Chief Administrative Officer, to Sign Proxy for Fidelity Capital and Income Fund

**MOTION:** Steinman moved and Heier seconded approval of the Consent Items. Steinman, Heier, Hudkins, Workman and Campbell voted aye. Motion carried.

## 10 ADMINISTRATIVE OFFICER REPORT

- a. Reappointment of Ray Stevens to Personnel Policy Board

The Board scheduled this item on the April 18<sup>th</sup> County Board of Commissioners Meeting agenda.

- b. Youth Detention Facility Monthly Meeting

Eagan reported that a change order for grading will be coming forward. He also said the issue of responsibility for building permits is being reviewed.

- c. City Change of Zone No. 3242, Text Amendment to Allow Certain Private Schools in the Agricultural Zoning District

Campbell said the County currently contracts with the applicant, Berniklau Educational Solutions Team (B.E.S.T.), for day reporting services.

- d. Appointment of Jon Carlson to Planning Commission

The Board scheduled this item on the April 18<sup>th</sup> County Board of Commissioners Meeting agenda.

- e. Drug Court Grant

Board consensus to include the Drug Free Community Support Program grant application (Exhibit H) in the list of grants it would like Griffin Grant Writing to seek on behalf of the County.

f. Roadhouse Licensure

Eagan read Sections 23-813 through 23-818 of the Nebraska Revised Statutes, which address roadhouse licensure. He recommended development of standards for roadhouses.

**MOTION:** Hudkins moved and Heier seconded to direct Kerry Eagan, Chief Administrative Officer, to work with the County Attorney's office in review of applicable state statutes and development of standards for roadhouses.

Eagan suggested that the County Board also seek an increase in the annual fee.

Campbell said this fee could be used to fund the Hospitality Council.

**ON CALL:** Heier, Hudkins, Workman, Steinman and Campbell voted aye. Motion carried.

**11 DISCUSSION OF BOARD MEMBER MEETINGS**

a. Information Services Policy Committee - Steinman

No report was given.

b. Monthly Meeting with Mayor - Campbell, Hudkins

Campbell said the text amendment to allow certain private schools in the City's Agricultural Zoning District, ambulance service and legislative issues were discussed.

c. Joint Budget Committee - Campbell, Steinman

Steinman said grants will be reviewed by programs, rather than agencies.

Campbell noted that the final implementation plan for the Human Services Needs Assessment will be presented to the City/County Common and the United Way of Lincoln-Lancaster County Board at the City/County Common meeting on April 21<sup>st</sup>.

d. Public Building Commission - Campbell, Hudkins

Hudkins said discussion focused on:

- Development of a Lincoln/Lancaster County Uniform Bid for repair and remodeling under \$25,000
- Security recommendations for the Justice and Law Enforcement Center
- Plans for the Old Federal Building
- Revision of the estimate to finish the third floor in the County-City Building

e. Board of Health - Hudkins

Hudkins said there was a presentation on the Lancaster County Medical Society's proposal for independent medical oversight for pre-hospital emergency medical care. The Board of Health voted to approve the independent oversight concept. He said wording of the bylaws for the Board of Health was also discussed.

**12 ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk